

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN, )  
Plaintiff, )  
V. )  
LT. WILLIAM McCONNELL, )  
Defendant. )  
) )  
) )  
) )  
) )  
Civil Action No. 05-0093E  
Judge Sean J. McLaughlin  
Mag. Judge Susan Paradise Baxter  
Electronically Filed.

**DEFENDANT'S MOTION FOR EXTENSION OF TIME TO FILE  
RENEWED MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the defendant, Lt. William McConnell, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Mariah L. Passarelli, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully submits the following:

1. Plaintiff, Ryan Kerwin, inmate number EZ-0246, is a *pro se* prisoner currently in the custody of the Pennsylvania Department of Corrections (DOC) in the State Correctional Institution at Albion.

2. Plaintiff has brought the instant action pursuant to 42 U.S.C. § 1983 against an individual employed by the DOC.

3. An Order was issued by this Honorable Court on November 29, 2006 dismissing without prejudice the defendant's previously filed Motion for Summary Judgment, and directing that the defendant file a Renewed Motion for Summary Judgment within 30 days (i.e., by December 29, 2006). (See Docket # 64).

4. The Plaintiff has since filed objections that have triggered an investigation of sorts into the ability of the defendant to file this Renewed Motion for Summary Judgment. (See Doc. # 65).

5. Inasmuch as the results of this investigation may obviate the need for the defendant to file a Renewed Motion for Summary Judgment, the defendant requests an extension of time until January 30, 2007.

WHEREFORE, it is respectfully requested that the defendant be allowed until January 30, 2007 to comply with the (Doc. # 64) November 29, 2006 Order of Court and file the Renewed Motion for Summary Judgment.

Respectfully submitted,

**Thomas W. Corbett, Jr.**  
Attorney General

BY: /s/ Mariah L. Passarelli  
MARIAH L. PASSARELLI  
Deputy Attorney General  
PA I.D. No. 202469

SUSAN J. FORNEY  
Chief Deputy Attorney General  
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL  
6<sup>th</sup> Floor, Manor Complex  
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Pittsburgh, PA 15219

(412) 565-3579

Date: December 18, 2006

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN, )  
Plaintiff, ) Civil Action No. 05-0093E  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within **Defendant's Motion for Extension of Time to file Renewed Motion for Summary Judgment** was electronically filed and served upon the following via first-class mail:

RYAN KERWIN  
DZ-0246  
SCI-Albion  
10745 Route 18  
Albion, PA 16475-0004

/s/ Mariah L. Passarelli  
MARIAH L. PASSARELLI  
Deputy Attorney General

OFFICE OF ATTORNEY GENERAL  
6<sup>th</sup> Floor, Manor Complex  
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